

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ANTOINETTE CALLOW,

Plaintiff,

V.

THE PRUDENTIAL INSURANCE COMPANY  
OF AMERICA, et al.,

## Defendants.

CASE NO. C07-1247RSM

## REVISED ORDER DIRECTING SUPPLEMENTAL BRIEFING

On March 4, 2009, the Court issued an Order directing supplemental briefing on the issue of admissibility of extrinsic evidence in this case. Dkt. # 38. Counsel for plaintiff contacted the Court to ask for an extension of the deadlines in the schedule, asserting that he could not meet them due to his participation in a trial on another matter. The Court scheduled a telephone conference to resolve the issue.

Having reviewed the parties' respective positions on scheduling as they were presented at the conference, the Court now finds and ORDERS:

(1) The Court VACATES the Order Directing Supplemental Briefing (Dkt. # 38). The issues surrounding the consideration of extrinsic evidence have been well-briefed in defendant's motion in limine and plaintiff's response. Dkt. # 27, 31. The motion was taken off the calendar when the Court struck the trial date in response to plaintiff's Notice of Unavailability. Dkt. ## 33, 35. However, following the March 11 status conference defendant filed a reply as directed, and it shall be considered by

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1 the Court.

2 (2) In order to afford plaintiff the opportunity to meet the burden of demonstrating circumstances  
3 which clearly establish that additional evidence is necessary for the Court to conduct an adequate review,  
4 plaintiff shall be allowed to file a supplemental response, limited to twelve pages, on or before May 1,  
5 2009. *Opeta v. NW Airlines Pension Plan*, 484 F. 3d 1211 (9th Cir. 2007). Defendant may file a  
6 supplemental reply on or before May 8, 2009.

7 (3) Defendant's motion in limine is hereby RE-NOTED on the Court's calendar for May 8, 2009.  
8 The Court shall expedite consideration of the matter and issue a ruling as soon as practicable thereafter.  
9 In that ruling, the Court shall also set a status conference to discuss re-scheduling of the trial.

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11 Dated this 13<sup>th</sup> day of March, 2009.

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14 RICARDO S. MARTINEZ  
15 UNITED STATES DISTRICT JUDGE  
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